

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP2004/010008

A. CLASSIFICATION OF SUBJECT MATTER

Int.Cl⁷ C12N15/00, A61K35/14, A61K35/76, A61K39/00, A61K48/00, A61P35/00, C07K14/47, C07K16/18, C07K19/00, C12N1/15, C12N1/19, C12N1/21, C12N5/00, C12P21/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int.Cl⁷ C12N15/00, A61K35/14, A61K35/76, A61K39/00, A61K48/00, A61P35/00, C07K14/47, C07K16/18, C07K19/00, C12N1/15, C12N1/19, C12N1/21, C12N5/00, C12P21/02

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

REGISTRY (STN), CA (STN), MEDLINE (STN), WPI (DIALOG), BIOSIS (DIALOG), JSTPlus (JOIS), GenBank/EMBL/DDBJ/GeneSeq, SwissProt/PIR/GeneSeq

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Schmollinger JC. et al., Melanoma inhibitor of apoptosis protein (ML-IAP) is a target for immune-mediated tumor destruction. Proc. Natl.Acad.Sci.USA., 18 March, 2003 (18.03.03), Vol.100, No.6, pages 3398 to 3403	1-26
Y	Kasof GM. et al., Livin, a novel inhibitor of apoptosis protein family member. J.Biol. Chem. (2001), Vol.276, No.5, pages 3238 to 3246	1-26
Y	JP 2002-316998 A (Hokkaido Technology Licensing Office Co., Ltd.), 31 October, 2002 (31.10.02), Full text (Family: none)	1-26

☒ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search
17 September, 2004 (17.09.04)

Date of mailing of the international search report
19 October, 2004 (19.10.04)

Name and mailing address of the ISA/
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	JP 2002-284797 A (Hokkaido Technology Licensing Office Co., Ltd.), 03 October, 2002 (03.10.02), Full text (Family: none)	1-26
A	WO 2000/077201 A1 (ASTRAZENECA AB.), 21 December, 2000 (21.12.00), Full text & AU 200055445 A & US 2003/0087319 A1	1-26
A	WO 2003/040172 A2 (BOUDREAULT A.), 15 May, 2003 (15.05.03), Full text & US 2003/0157522 A1	1-26

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Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:
 - a. type of material
 - ☒ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ in written format
 - ☒ in computer readable form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☒ filed together with the international application in computer readable form
 - ☐ furnished subsequently to this Authority for the purposes of search
2. ☒ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

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Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

See extra sheet.

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos. 1-26 specifically portions thereof relating to SEQ ID NO. 25 and 33.

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

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Continuation of Box No.III of continuation of first sheet (2)

Claim 1 claims an invention directed to a peptide consisting of continuous 8 to 11 amino acids in the amino acid sequence of ribin set forth in SEQ ID NO. 1, which peptide couples with antigen HLA-A24 so as to result in a form recognized by CTL.

With respect to claim 2, an invention relating to a peptide of claim 1 containing an amino acid sequence set forth in any one of SEQ ID NO. 2 to 59 is claimed in the single claim in an alternative manner.

With respect to the invention of claim 2, it appears that the applicant carried out the alternative-manner claiming in the single claim under the assumption that there is a technical relationship of peptide consisting of continuous 8 to 11 amino acids in the amino acid sequence of ribin set forth in SEQ ID NO. 1, which peptide couples with antigen HLA-A24 so as to result in a form recognized by CTL.

However, the above peptide was publicly known at the priority date of this application in view of the prior art of Proc Natl.Acad.Sci.USA. 18 March, 2003 (2003.03.18) Vol.100, No.6, p.3398-3403 (especially see page 3399, JS34, JS90, etc.).

Thus, it is apparent that the alternative-manner claiming of this international application is not novel in view of the prior art.

Consequently, it does not appear that among the claimed inventions, there is a technical relationship involving one or more of the same or corresponding "special technical features".

Therefore, the inventions of this international application do not satisfy the requirement of unity of invention prescribed in the PCT Rule 13.

(A minor total of 31 inventions are involved because with respect to the above peptides of SEQ ID NO. 2 to 59, there is no common structure among the sequences of SEQ ID NO. 2 to 3, 9, 4, 22, 5, 6, 54, 7 to 10, 53, 11, 12, 16, 45, 13 to 14, 34, 41, 15, 17, 44, 18, 59, 19, 38, 20, 42, 47, 21, 37, 23, 35, 24, 39, 25, 33, 26, 27, 55, 28, 56, 29, 51, 30, 57, 31, 32, 58, 36, 40, 43, 46, 48 and 52.)